

## **REMARKS**

Applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. Claims 1, 6, 9, 14, 17, 19, 20 and 22 have been amended. No claims have been canceled. No claims have been added. Thus, claims 1, 3-7, 9-12, 14-20 and 22-25 are pending.

### **35 U.S.C. §103(a) Rejections**

#### **35 U.S.C. §103(a) Rejection over *Hidary* and *Reynolds***

The Office Action rejects claims 1, 4, 6, 7, 9-11, 14, 15, 17, 19, 20 and 22-24 under 35 U.S.C. §103(a) as being unpatentable over *Hidary* et al., U.S. Patent Number 5,778,181 (*Hidary*) in view of *Reynolds*, US Patent Pub. 2002/0138852 (“*Reynolds*”). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference, wherein the identical invention is shown **in as complete detail** as is contained in the claim. *See* M.P.E.P. §2131. The Office Action alleges that *Hidary* discloses, *inter alia*, receiving enhancement data corresponding to a television broadcast. *Reynolds* is further alleged to disclose selecting a second format compatible with a second network. Applicants traverse the above rejection for at least the following reasons.

The above rejected claims include independent claims 1, 6, 9, 14, 17, 19, 20 and 22. Without agreeing as to the above characterizations of the references in the Office Action, and in order to advance the application to allowability, Applicants amend claim 1 herein to recite in a salient portion (emphasis added):

“...receiving enhancement data corresponding to the television broadcast, **the television broadcast transmitted without the enhancement data**, the enhancement data received in a first format compatible with a first transport for a broadcast receiver not configured to decode enhancement data for presentation;...”

Each of currently amended independent claims 6, 9, 14, 17, 19, 20 and 22 recite similar claim limitations. The claim amendments are supported in the original disclosure at least by FIG. 2 and paragraphs [0010]-[0011] of the specification.

Applicants submit that each of the above rejected claims is not anticipated by *Hidary* and *Reynolds* based at least on a failure of the references to teach or suggest receiving enhancement data corresponding to a **television broadcast transmitted without the enhancement data**, the enhancement data received in a first format compatible with a first transport for a broadcast receiver not configured to decode enhancement data for presentation, as variously recited in the independent claims.

In rejecting the above claims, the Office Action variously relies on FIG. 2 and col. 4, lines 40-58 of *Hidary* as disclosing receiving enhancement data corresponding to the television broadcast. *Hidary* describes a Server URL Decoder 24 which has to decode URLs from a video signal encoded with URLs by a URL encoder 8. Col. 4, lines 40-58 of *Hidary* states in a salient portion (emphasis added):

“In an alternative system shown in FIG. 2, **the uniform resource locators (URLs) are encoded into the video** in the same manner as described above. Again, the URLs are preferably encoded onto eight fields of line 21 of the VBI. However, the URL decoder 24 is located at the server site, as opposed to the subscriber location. When the decoder 24 receives the video program signal, it strips out the URL codes on line 21 of the VBI and delivers these codes independently to an Internet server 28. The URL code is then subsequently delivered over the Internet 20 to the user PC 16. Simultaneously, **the video is broadcast over conventional broadcast or cable transmission means** 36 to the user’s personal computer 16.”

Accordingly, the passage in *Hidary* relied upon by the Office Action **explicitly** teaches a transmitted video which **includes** encoded URLs. Assuming *arguendo* that all other claim limitations are anticipated by the references, which Applicants do not agree, *Hidary* still **fails** to disclose receiving enhancement data corresponding to the television broadcast, the television broadcast transmitted **without** the enhancement data.

The Office Action does **not** offer *Reynolds* as teaching or suggesting a receiving of enhancement data corresponding to a television broadcast transmitted without

enhancement data. Applicants submit that no combination of *Hidary* and *Reynolds* teaches or suggests a receiving of enhancement data corresponding to the television broadcast transmitted without the enhancement data. For at least the foregoing reasons, each of independent claims 1, 6, 9, 14, 17, 19, 20 and 22 contains at least one limitation which is non-obvious in light of *Hidary* and *Reynolds*. If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious. See M.P.E.P. §2143.03. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 1, 4, 6, 7, 9-11, 14, 15, 17, 19, 20 and 22-24 based on *Hidary* and *Reynolds* be withdrawn.

**35 U.S.C. §103(a) Rejection over *Hidary*, *Reynolds* and *ATVEF***

The Office Action also rejects claims 3, 5, 12, 16, 18 and 25 under 35 U.S.C. §103(a) as being unpatentable over *Hidary* in view of Advanced Television Enhancement Forum Specification, draft, version 1.1r26 updated 2/2/99 (*ATVEF*). In rejecting the above claims, the Office Action relies at least in part on the previously-discussed 35 U.S.C. §103 rejection of independent claims 1, 9, 14, 17 and 22. *ATVEF* is further alleged to disclose using *ATVEF* encoded web page content. Applicants traverse the above rejection for at least the following reasons.

As discussed previously, each of currently amended independent claims 1, 9, 14, 17 and 22 includes at least one limitation which is not obvious in light of *Hidary* and *Reynolds*. More particularly, no combination of *Hidary* and *Reynolds* teaches or suggests receiving enhancement data corresponding to a television broadcast transmitted **without** the enhancement data, the enhancement data received in a first format compatible with a first transport for a broadcast receiver not configured to decode enhancement data for presentation, as variously recited in the independent claims.

In rejecting the above claims, the Office Action **fails** to provide any basis for *Hidary*, *Reynolds* and *ATVEF* teaching or suggesting those claim limitations which are not taught or suggested by *Hidary* and *Reynolds* alone. Applicants submit that no combination of *Hidary*, *Reynolds* and *ATVEF* teaches or suggests receiving enhancement

data corresponding to a television broadcast transmitted without the enhancement data, the enhancement data received in a first format compatible with a first transport for a broadcast receiver not configured to decode enhancement data for presentation.

For at least the foregoing reasons, each of independent claims 1, 9, 14, 17 and 22 contains at least one limitation which is non-obvious in light of *Hidary* and *Reynolds*. If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious. *See* M.P.E.P. §2143.03. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 3, 5, 12, 16, 18 and 25 based on *Hidary*, *Reynolds* and *ATVEF* be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the objections and rejections have been overcome. Therefore, claims 1, 3-7, 9-12, 14-20 and 22-25 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
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